



**CUYAHOGA COUNTY  
BOARD OF ELECTIONS**

**Jeff Hastings, Chairman**

**Anthony W. Perlatti, Director**

**Inajo Davis Chappell, Board Member**

**Shantiel H. Soeder, Deputy Director**

**Robert S. Frost, Board Member**

**David J. Wondolowski, Board Member**

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**THIS MEETING WILL BE HELD VIA TELECONFERENCE<sup>1</sup>**

**DIAL IN NUMBER: 1-646-558-8656**

**MEETING ID: 627 627 4058**

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**MEETING AGENDA**

**August 25, 2020**

**2:00 P.M.**

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**THE PLEDGE OF ALLEGIANCE**

**ADMINISTRATIVE**

1. Approval of the minutes from the August 17, 2020 board meeting

**BALLOT**

2. Certification of the Official Results of the August 4, 2020 Special Election:
  - Authorization to approve absentee ballots from the August 4, 2020 Special Election
  - Authorization to approve provisional ballots from the August 4, 2020 Special Election
  - Acknowledgement of the pre & post test results of the vote tabulation system from the August 4, 2020 Special Election
3. Acknowledgement of the date, time, and place of the post-election audit for the August 4, 2020 Special Election

**CANDIDATE AND PETITION SERVICES**

4. Acknowledgement of removal from and appointment to elected office

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<sup>1</sup> Video of this meeting can be viewed at [youtube.com/cuyahogacountyboe](https://youtube.com/cuyahogacountyboe)

## **FISCAL**

5. Approval to send the Voter Information Guide for the November 3, 2020 Presidential Election

## **HUMAN RESOURCES**

6. Approval of personnel agenda

## **NEW BUSINESS**

- Update on poll worker recruitment
- Update on DS850 purchase
- Update on transition to “.gov” domain
- Update on polling locations
- Update on voting in Senior Assisted Living Facilities
- Update on website accessibility
- Update on Emergency Management Plan

## **PUBLIC TESTIMONY<sup>2</sup>**

## **EXECUTIVE SESSION**

Discussion of personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and updates on pending/potential litigation if necessary

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<sup>2</sup>Please email [lwalker@cuyahogacounty.us](mailto:lwalker@cuyahogacounty.us) with your name and the nature of your comment so we can fully assist you.

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

## 2020 Board Meeting Schedule

### August 2020

**Tuesday, August 25<sup>th</sup> @ 2:00PM**

Certification of the Official Results from the August 4<sup>th</sup> Special Election

### September 2020

**Monday, September 14<sup>th</sup> @ 9:30AM**

Certification of Recounts from the August 4<sup>th</sup> 2020 Special Election

Certification of Charter Amendments for the November 3, 2020 Presidential Election

Certification of Remaining Candidates for the November 3, 2020 Presidential Election

**Monday, September 28<sup>th</sup> @ 9:30AM**

Certification of Audits from the August 4<sup>th</sup> 2020 Special Election

### October 2020

**Monday, October 19<sup>th</sup> @ 9:30AM**

Regular Meeting

### November 2020

**Tuesday, November 3**

November 3<sup>rd</sup> 2020 Presidential Election

**Monday, November 16<sup>th</sup> @ 9:30AM**

Provisional Verification for the November 3<sup>rd</sup> Presidential Election

**Tuesday, November 24<sup>th</sup> @ 2:00pm**

Certification of Official Results from the November 3<sup>rd</sup> Presidential Election

### December 2020

**Monday, December 14<sup>th</sup> @ 9:30AM**

Certification of Recounts from the November 3<sup>rd</sup> Presidential Election

**Monday, December 28<sup>th</sup> @ 9:30AM**

Certification of Audits from the November 3<sup>rd</sup> Presidential Election

### January 2021

**Wednesday, January 20<sup>th</sup> @ 9:30AM**

Regular Meeting

## February 2021

**Thursday, February 11<sup>th</sup> @ 9:30AM**

Certification of Candidates and Issues for the May 4<sup>th</sup> Primary Election

## March 2021

**Thursday, March 11<sup>th</sup> @ 9:30AM**

Certification of Remaining Candidates and Charter Issues for the May 4<sup>th</sup> Primary Election

## April 2021

**Monday, April 12<sup>th</sup> @ 9:30AM**

Regular Meeting

## May 2021

**Tuesday, May 4<sup>th</sup>**

May 4<sup>th</sup> Primary Election

**Monday, May 24<sup>th</sup> @ 9:30AM**

Provisional Verification from the May 4<sup>th</sup> Primary Election

**Friday, May 28<sup>th</sup> @ 9:30AM**

Certification of the Official Results from the May 4<sup>th</sup> Primary Election

## June 2021

**Monday, June 14<sup>th</sup> @ 9:30AM**

Certification of Recounts from the May 4<sup>th</sup> Primary Election

**Monday, June 21<sup>th</sup> @ 9:30AM**

Certification of Audits from the May 4<sup>th</sup> Primary Election

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting  
8-17-2020

**THIS MEETING WAS HELD VIA TELECONFERENCE IN ACCORDANCE WITH  
H.B. 197, 133<sup>rd</sup> G.A. §12 (2020)**

**Attending:**

Jeff Hastings, Chairman  
David Wondolowski, Member  
Rob Frost, Member/via teleconference  
Inajo Davis Chappell, Member/via teleconference  
Anthony W. Perlatti, Director  
Shantiel Soeder, Deputy Director  
Mark R. Musson, Assistant Prosecutor, Cuyahoga County/ via teleconference  
Anthony Alto, Clerk to the Board/via teleconference  
Linda Walker, Clerk to the Board/via teleconference

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The Cuyahoga County Board of Elections Meeting began at 9:30 am. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that Board Members Wondolowski, Director Perlatti, Deputy Director Soeder, and he were present in person. Board Members Chappell and Frost were present via teleconference.

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**Agenda Item 1: Approval of minutes from the July 13, 2020 board meeting**

Chairman Hastings moved to approve the minutes from the July 13, 2020 board meeting. Board Member Wondolowski seconded. Board Member Frost made a friendly amendment to amend the meeting minutes. The motion passed unanimously.\*

**Agenda Item 2: Acknowledgement of Secretary of State Directives 2020-12, 2020-13, 2020-14, 2020-15, and 2020-16**

Board Member Chappell asked how staff plan to manage the traffic flow for curbside voting. Director Perlatti stated that he is working with local police and fire departments to

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\* Narrative that is underlined in the CCBOE minutes relate to a motion that was acted on by the Board.

determine best practices. Board Member Chappell also asked to place information of curbside voting prominently on the website.

Chairman Hastings moved to acknowledge Secretary of State Directives 2020-12, 2020-13, 2020-14, 2020-15 and, 2020-16. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 3: Adoption of Resolution in Recognition of Jane B. Sheats, former Chairwoman of the Cuyahoga County Board of Elections**

Board Member Chappell read the resolution on the record.

Chairman Hastings moved to adopt the Resolution in Recognition of Jane B. Sheats, former Chairwoman of the Cuyahoga County Board of Elections. The motion passed unanimously.

**Agenda Item 4: Determination of the validity of provisional ballots and authorization to count provisional ballots from the August 4, 2020 Special Election**

Registration Manager Betty Edwards stated that there were three provisional ballots issued and confirmed to be valid during the August 4<sup>th</sup> Special Election.

Chairman Hastings moved to approve the validity of provisional ballots and authorize counting the provisional ballots from the August 4, 2020 Special Election. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 5: Acknowledgement of disposal of 135 ES&S AutoMARK ballot marking devices**

Director Perlatti stated that the CCBOE's inventory of ES&S AutoMARK units were purchased when the County had many more polling locations than currently. A substantial number of AutoMARK units have not been used in recent elections nor have they been covered by the ES&S service agreement for years. ES&S does not manufacture this equipment anymore, therefore the extra non-working units have no resale value. CCBOE intends to have the balance of the non-working units destroyed by North Coast Recycling, the County's recycling vendor.

Chairman Hastings moved to acknowledge the disposal of 135 ES&S AutoMARK ballot marking devices. Board Member Wondolowski seconded. The motion passed unanimously.

## **Agenda Item 6: Certification of remaining candidates for the November 3, 2020 Presidential General Election**

Brent Lawler provided a brief overview of the hearing. Petitioner, Richard, a.k.a. “Rocky”, Neal filed a valid petition to be certified to the ballot as a candidate for State Board of Education District 11. Mr. Neal appeared on the ballot five times previously as “Richard Neale”. This year Mr. Neal asks to be placed on the ballot as Richard “Rocky” Neale. Staff maintains that per the Ohio Elections Officials Manual and Secretary of State Directive 2019-27 a candidate cannot use a nickname on the ballot. Staff is bringing this issue before the Board for review.

Chairman Hastings stated that the Board package contained documents from Mr. Neal showing that he is often referred to as “Rocky”. APA Musson stated that although the Elections Officials Manual prohibits nicknames, it does allow for use of derivatives of their legal name. Courts have also found that use of a non-legal name is permissible if that is how the candidate is generally known. However, a candidate cannot use a non-legal name to manipulate or deceive voters. If the Board finds that either “Rocky” is a derivative of “Richard”, or that “Rocky” is how Mr. Neal is generally known by, and that the intent is not to deceive or manipulate voters, then they have the discretion to allow the non-legal name on the ballot.

Mr. Neal was placed under oath and testified that ever since he was a child he has always been known as “Rocky”, not “Richard”. Mr. Neal provided letters from various companies and organizations referring to him as “Rocky” Neal.

Board Member Wondolowski stated that he is satisfied with the evidence provided that Mr. Neal is known as “Rocky”.

Chairman Hastings stated that he’s known Mr. Neal for over 40 years and has always known him as “Rocky”. He asked Mr. Neal if he is asking the Board to place him on the ballot as Richard “Rocky”, or just “Rocky”. Mr. Neal responded that he is asking for just “Rocky”.

Board Woman Chappell asked Mr. Neal why he wants to change his name on the ballot now whereas he previously ran as Richard Neal. He replied that he didn’t pay much attention to it before because he always ran unopposed, and CCBOE staff directed him to use his legal name.

Board Member Wondolowski moved to allow Mr. Neal to be placed as Rocky Neal on the ballot. Chairman Hastings seconded. The motion passed unanimously.

Chairman Hastings moved to certify the remaining candidates for the November 3, 2020 Presidential General Election as recommended by staff. Board Member Wondolowski seconded. The motion passed unanimously.

#### **Agenda Item 7: Certification of remaining issues for the November 3, 2020 Presidential General Election**

Candidate and Petition Services Manager Brent Lawler provided a brief overview of the hearing. Petitioner, Meijers Store 321, submitted 270 signatures for a local option. The local issue requires 240 valid signatures. Staff found 239 to be valid. Corey Columbo, on behalf of Petitioner argued that five signatures that staff invalidated should be found valid. Staff is presenting this issue for Board review.

Chairman Hastings stated that the Board has reviewed the filings and documents from the Petitioner, the Board, and Assistant Prosecuting Attorney (“APA”) Mark Musson. Chairman Hastings asked Mr. Columbo to present his argument.

Mr. Columbo stated that a signer, Rachel Kopeck, signed the petition with her maiden name, rather than her married name. It was noted that on the basis of case law, both Ohio’s courts and the Secretary of State have held that when a Board of Elections rejects a signature, they may return and validate it if it finds that the voter affirms his/her signature. Mr. Columbo has presented the Board with an affidavit from Rachel Kopeck testifying to the authenticity of her signature.

Board Member Wondolowski moved to validate Ms. Kopek’s signature. Chairman Hastings Seconded.

APA Mark Musson stated that the standard is clear and convincing evidence. The CCBOE may consider an affidavit, and it has discretion to accept or reject the signature.

Chairwoman Chappell stated that Ms. Kopek did identify herself as the signer, and that the standard is satisfied. Thus, she supports the motion.

Board Member Frost stated that he also supports the motion for the same reasons as stated by Board Member Chappell The motion passed unanimously.

**Agenda Item 8: Acknowledgement of withdrawal of candidates for the November 3, 2020**

**Presidential General Election**

Chairman Hastings moved to acknowledge the withdrawal of candidates for the November 3, 2020 Presidential General Election. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 9: Acknowledgement of resignations from and appointments to elected office**

Chairman Hastings moved to acknowledge the resignations from and appointments to elected office. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 10: Approval of vouchers**

Fiscal Manager Kendra Zusy stated that the voucher for item #1 is a license renewal. APA Musson stated that he reviewed the contract.

Chairman Hastings moved to approve the vouchers as recommended by staff. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 11: Approval to purchase two DS850 Central Count Ballot Scanners**

Director Perlatti stated that the Ohio Secretary of State (“SOS”) Frank LaRose encouraged boards of elections to purchase more ballot scanning equipment in anticipation for high absentee voting numbers. They expect to scan over 1 million pages, and these machines have the capacity to handle the heavy load.

Chairman Hastings moved to approve the purchase two DS850 Central Count Ballot Scanners. Board Member Wondolowski seconded. The motion passed unanimously.

Board Member Chappell asked about the warranties, liabilities, and remedies for the refurbished machines. APA Musson commented on the warranties, liabilities, and the need to balance the benefit of the purchase against the risk in light of the accelerated timeline of the election. This purchase does include a maintenance agreement.

**Agenda Item 12: Approval of personnel agenda**

Chairman Hastings moved to approve the personnel agenda as provided in the meeting materials. Board Member Wondolowski seconded. The motion passed unanimously.

**New Business:**

Director Perlatti provided an update for the November General Election. He stated that staff has redrawn all polling location diagrams taking into account social distancing guidelines. They were able to reconfigure most locations with less than a thirty percent loss of voting booths. Some precincts will be moved out of locations in order to meet social distancing guidelines. The CCBOE will not be using senior citizen residential facilities as polling locations. Board Member Chappell asked that all information regarding polling location changes be prominently displayed on our website.

Director Perlatti stated that staff has received a significant number of poll worker applications from new applicants. Election Officials Department Manager Henry Curtis will provide an update at the next board meeting.

Director Perlatti stated that the CCBOE is participating in a voter registration drive with a group of female mayors in honor of the ratification of the 19<sup>th</sup> Amendment.

Board Member Chappell stated that she and Director Perlatti spoke to the Cleveland Metropolitan Bar Association (“CMBA”) about working on Election Day. She thanked Director Perlatti for his contributions to the discussions.

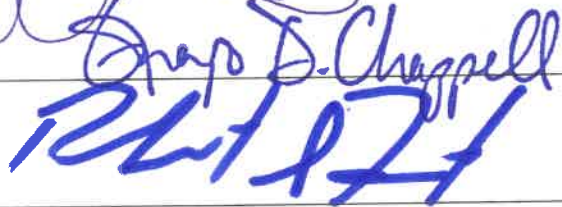
Chairman Hastings moved to recess at 10:53am. Board Member Wondolowski seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on August 17, 2020.

Jeff Hastings, Chairman

A stylized, cursive handwritten signature in blue ink, appearing to read "Jeff Hastings".

Inajo Davis Chappell, Member

A handwritten signature in blue ink, appearing to read "Inajo D. Chappell".

Robert S. Frost, Member

A handwritten signature in blue ink, appearing to read "Robert S. Frost".

David J. Wondolowski, Member

A handwritten signature in blue ink, appearing to read "David J. Wondolowski".

Anthony Perlatti, Director

A handwritten signature in blue ink, appearing to read "Anthony Perlatti".

# August 4, 2020 Special Election Official Canvass Certification Data

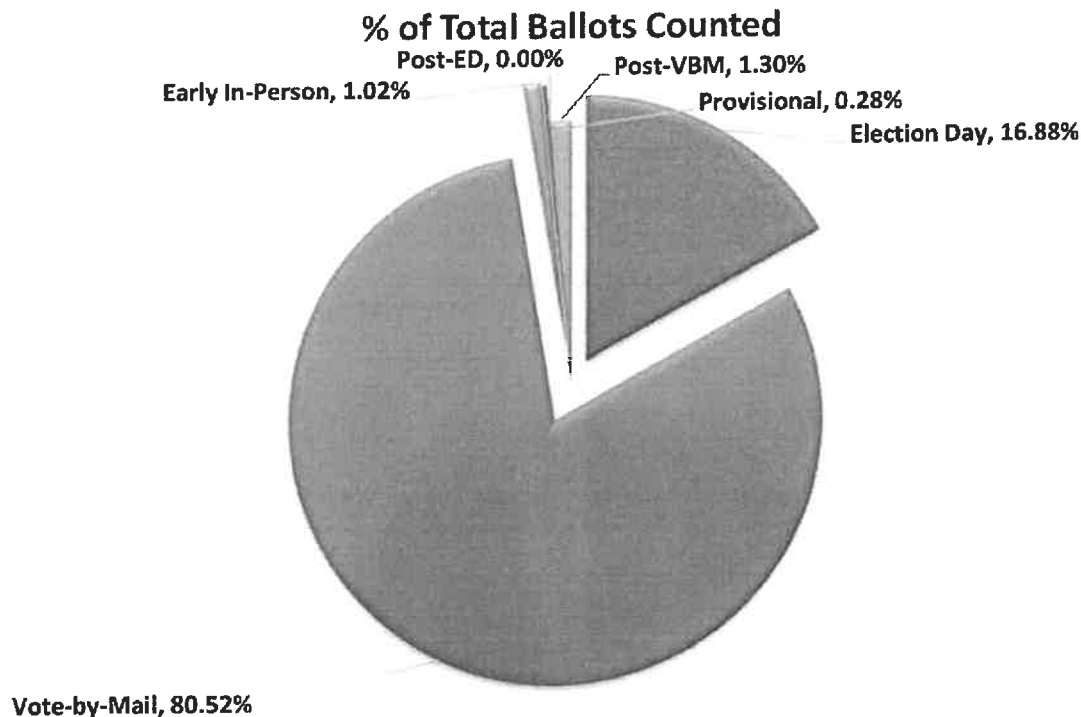
## FINAL RESULTS

Official Election Results for the August 4, 2020 Special Election are attached to the Election Summary Report.

## SUMMARY OF OFFICIAL CANVASS

There were a total of 1,078 ballots tabulated for the August 4, 2020 Special Election. Below is a breakdown of the ballots counted by category and a percentage of the total vote by category.

Category	Ballots Cast	% of Total Ballots Counted
<i>Election Day</i>	182	16.88%
<i>Vote-by-Mail</i>	868	80.52%
<i>Early In-Person</i>	11	1.02%
<i>Provisional</i>	3	0.28%
<i>Post-ED</i>	0	0.00%
<i>Post-VBM</i>	14	1.30%
<b>Total</b>	<b>1,078</b>	



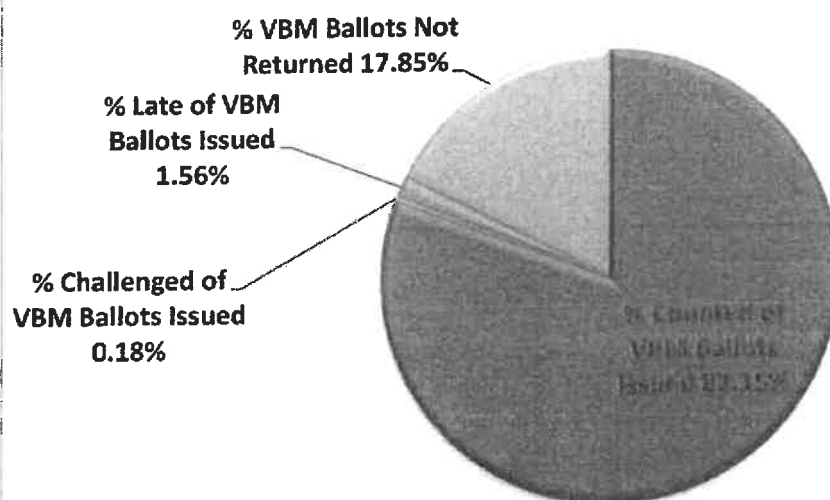
## VOTE BY MAIL/EARLY IN-PERSON SUMMARY

VBM/EIP Data	Vote by Mail	Early In-Person	Military and Overseas	Total
<b>Issued</b>	1,068	11	8	1,087
<b>Returned and Counted</b>	882	11	0	<b>893</b>
<b>Challenged</b>	2	0	0	2
<b>Returned Late</b>	17	0	0	17
<b>Not Returned</b>	186	0	8	194

VBM/EIP Data - Challenge Rate	
Overall Return Rate	83.90%
Challenge Rate (Total)	2.08%
Challenge Rate (Late Removed)	0.22%

VBM/EIP Ballots Challenged	Number of Challenged Ballots	% of Total Challenged VBM
No ballot returned in ID envelope	2	100.00%
Registration address and AV ID envelope address do not match	0	0.00%
ID does not match Registration	0	0.00%
ID Envelope not completed	0	0.00%
ID Envelope not returned	0	0.00%
No identification	0	0.00%
No signature	0	0.00%
No Stub on ballot	0	0.00%
Signature does not match Registration	0	0.00%
Wrong voter completed ID Envelope	0	0.00%
<b>Total</b>	<b>2</b>	

### VBM/EIP Returns



## PROVISIONAL VOTING SUMMARY

A total of 3 Provisional Ballots were cast during the August 4, 2020 Special Election. There were 0 during Early In-Person Voting at the Board of Elections and 3 on Election Day. Of those ballots, 3 (100%) were valid and tabulated by the Ballot Department. There were 0 invalid Provisional Ballots, resulting in a 0% rejection rate for this election.

Provisional Data		
Total Provisional Ballots Cast	3	
Valid Provisional Ballots (includes Correct Location & APRI remakes)	3	100.00%
Wrong Precinct, Correct Location of Valid Provisionals	0	0.00%
Rejected Provisional Ballots	0	0.00%

## BALLOT REMAKES

During the election, 0 ballot sheets were processed in accordance with the CCBOE Remake Policy (approved by the Board on May 17, 2013). The overall remake rate for this election was 0.0%.

## OVER VOTES

There was a total of 0 over votes recorded, resulting in a 0.0% over vote rate for the election.

## VOTER HISTORY

Sixteen (16) precincts were involved in this election. Voter History will be applied in DIMS after the Certification Meeting.

## RECOUNTS

There are 0 automatic recounts for this election.

The requested recount deadline is Monday, August 31<sup>st</sup> at 4:00PM.

## AUDIT

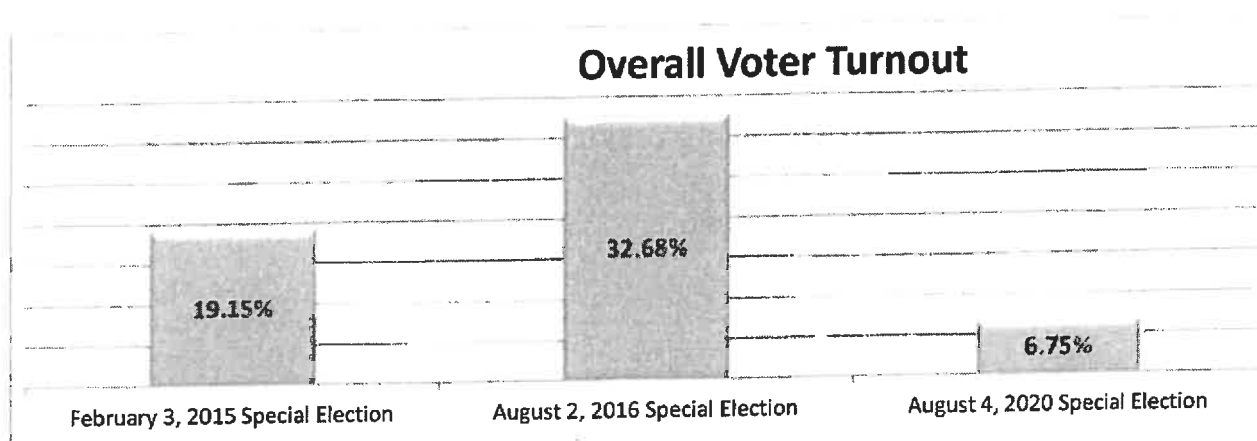
The post-election audit will be conducted beginning Wednesday, September 2<sup>nd</sup> at 9:00AM.

The audit will be conducted using the batch-based risk-limiting audit method.

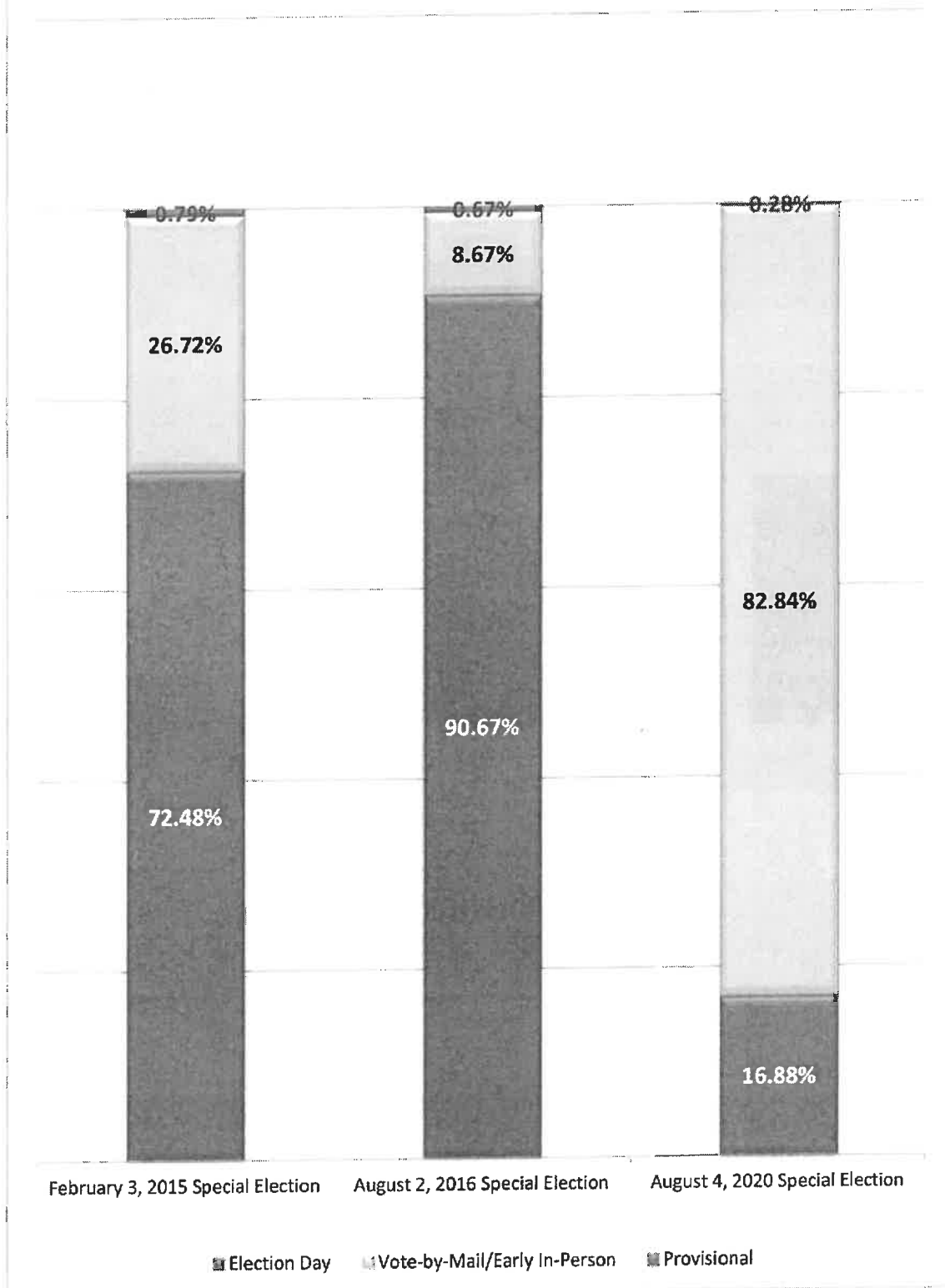
## HISTORICAL DATA

The following data sets and graphs include comparisons related to election information and voting method distributions (ballot categories).

	February 3, 2015 Special Election	August 2, 2016 Special Election	August 4, 2020 Special Election
<b>Precincts</b>	23	1	16
<b>Registered Voters</b>	21,045	459	15,975
<b>Ballots Cast - Counted</b>	4,030	150	1,078
<b>Election Day</b>	2,921	136	182
<b>Vote-by-Mail</b>	1,004	10	868
<b>Early In-Person</b>	Included in Vote- by-Mail Category	Included in Vote- by-Mail Category	11
<b>Provisional</b>	32	1	3
<b>Post-Election Day</b>	0	0	0
<b>Post VBM</b>	73	3	14
<b>Voter Turnout</b>	19.15%	32.68%	6.75%

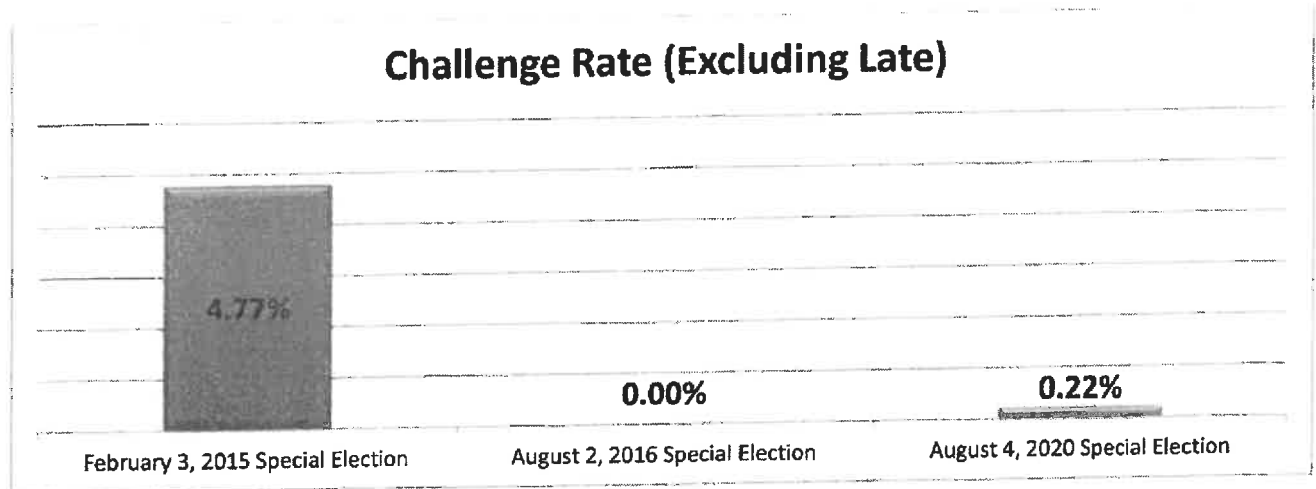
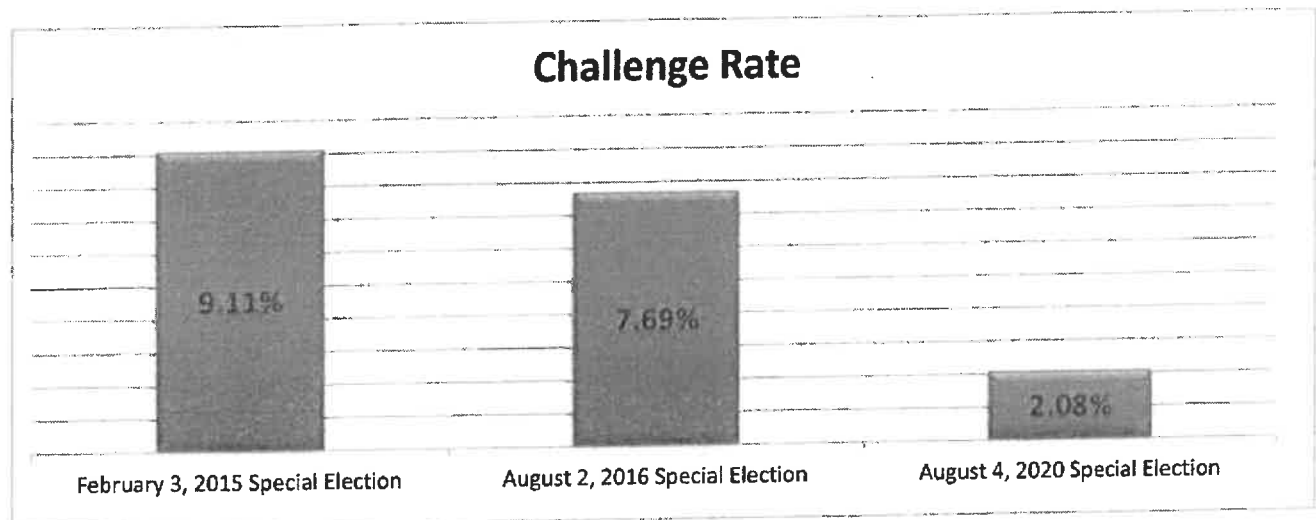


## Voter Turnout by Category



**Vote-by-Mail/Early In-Person Data**

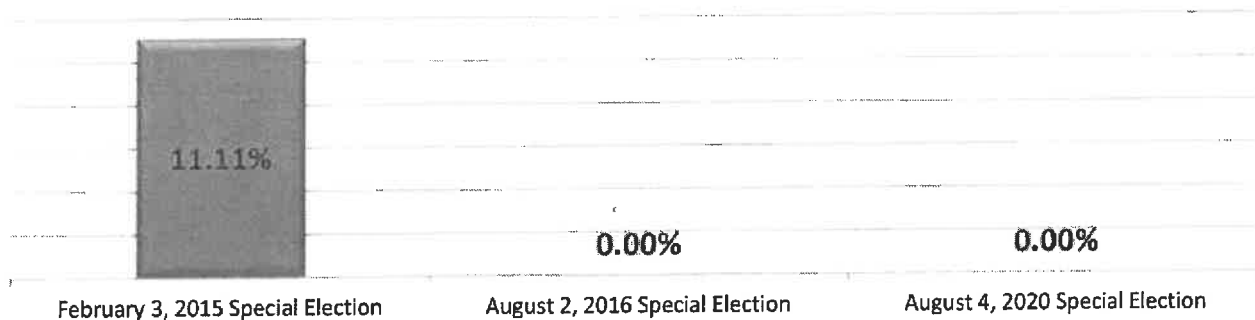
	February 3, 2015 Special Election	August 2, 2016 Special Election	August 4, 2020 Special Election
Total VBM Ballots Issued	1,310	14	1,087
Total VBM Ballots Returned	1,131	13	912
VBM Ballots Counted	1,077	13	893
VBM Ballots Challenged	103	1	19
Late VBM Ballots	49	1	17
% Returned of VBM Ballots Issued	86.34%	92.86%	83.90%
% Counted of VBM Ballots Returned	95.23%	100.00%	97.92%
% Challenged of VBM Ballots Returned	9.11%	7.69%	2.08%
% Late of VBM Ballots Issued	3.74%	7.14%	1.56%
% Challenge Rate Excluding Late	4.77%	0.00%	0.22%



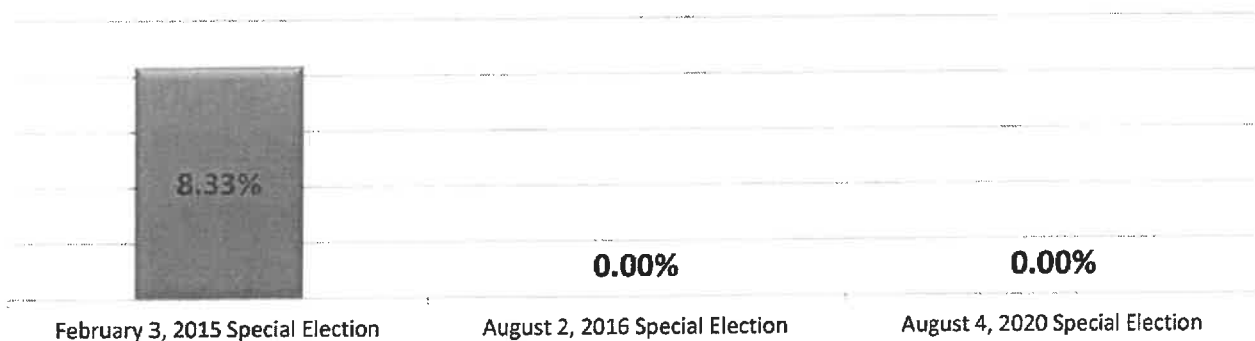
**Provisional Data**

	February 3, 2015 Special Election	August 2, 2016 Special Election	August 4, 2020 Special Election
<b>Provisional Ballots - CAST</b>	36	1	3
<b>Provisional Ballots - VALID</b>	32	1	3
<b>Provisional Ballots - REJECTED</b>	4	0	0
<b>% Valid of All Provisional Ballots Cast</b>	88.89%	100.00%	100.00%
<b>% Rejected of All Provisional Ballots Cast</b>	11.11%	0.00%	0.00%
<b>VBM Voters</b>	0	0	0
<b>Not Registered In The State of Ohio</b>	1	0	0
<b>Wrong Precinct and Correct Location</b>	0	0	0
<b>Correct Location Remakes</b>	0	0	0
<b>% Rejected Not Including VBM &amp; Not Registered</b>	8.33%	0.00%	0.00%
<b>% Wrong Precinct and Correct Location</b>	0.00%	0.00%	0.00%

**Provisional Rejection Rate**



**Rejection Rate (Excluding Not Registered and VBM Voters)**



SUMMARY REPORT                      August 4, 2020  
Run Date:08/18/20                  Special Election  
RUN TIME:09:35 AM                  Cuyahoga County, OH

Official Results

VOTES PERCENT

PRECINCTS COUNTED (OF 16)	. . . . .	16	100.00
REGISTERED VOTERS - TOTAL	. . . . .	15,975	
BALLOTS CAST - TOTAL	. . . . .	1,078	
BALLOTS CAST - BLANK	. . . . .	2	.19
VOTER TURNOUT - TOTAL	. . . . .		6.75
VOTER TURNOUT - BLANK	. . . . .		.01
1 - Maple Heights Tax Levy			
(VOTE FOR) 1			
For the Tax Levy	. . . . .	858	79.74
Against the Tax Levy	. . . . .	218	20.26
Over Votes	. . . . .	0	
Under Votes	. . . . .	2	

**August 4, 2020 Special Election  
Official Certification of Results  
Signature Form**

We, the undersigned Members of the Board of Elections of County indicated below, do hereby certify that the Official Results of the Election (county specific and most-populous, if applicable) are valid and accurate, and the number of voters aligns with the number of ballots counted and cast.

Cuyahoga   
County Name

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IN WITNESS WHEREOF, we have subscribed our names officially on the date indicated below:

August 25, 2020

Today's Date

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Deputy Director

  
\_\_\_\_\_  
Board Member

  
\_\_\_\_\_  
Board Member

  
\_\_\_\_\_  
Board Member

  
\_\_\_\_\_  
Board Member

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The Board must complete and sign, scan, and email the signed form to [Results@OhioSoS.gov](mailto:Results@OhioSoS.gov) along with the *Official Vote Total Summary Report*.

VOTE



CUYAHOGA COUNTY  
BOARD OF ELECTIONS

# **AUGUST 4, 2020 SPECIAL ELECTION**

**PRE & POST TESTS**





**CUYAHOGA COUNTY**  
**BOARD OF ELECTIONS**

**August 4, 2020 Primary Election  
Pre & Post Test Results**

1 Sign Off Sheet

2 Expected Results

3 Initial Zero Reports

4 Results Reports

5 Conclusion Zero Reports

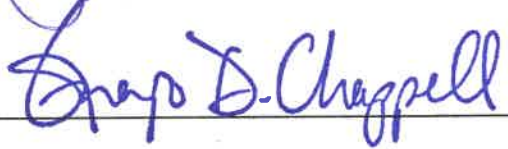
# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

## August 4, 2020 Special Election

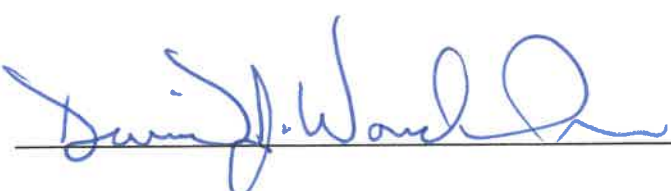
Election Pre & Post Test Acknowledgement Form – Results



Jeff Hastings



Inajo Davis Chappell



David J. Wondolowski



Robert S. Frost

SUMMARY REPT-GROUP DETAIL

Run Date:08/04/20 06:24 PM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Unofficial Pre Test 01

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	15							
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	0							
BALLOTS CAST - BLANK	0							

1 - Maple Heights Tax Levy

(VOTE FOR)	1
(WITH 0 OF 16 PRECINCTS COUNTED)	
For the Tax Levy	0
Against the Tax Levy	0
Over Votes	0
Under Votes	0

SUMMARY REPT-GROUP DETAIL

Run Date:08/04/20 09:02 PM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Unofficial Post Test 01

Report EL45A Page 001

TOTAL VOTES				%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	.	.	.	.	.	.	.	.	.	.
REGISTERED VOTERS - TOTAL	.	.	.	.	.	.	.	.	.	.
BALLOTS CAST - TOTAL	.	.	.	.	.	.	.	.	.	.
BALLOTS CAST - BLANK	.	.	.	.	.	.	.	.	.	.

1 - Maple Heights Tax Levy

(VOTE FOR)	1
(WITH 0 OF 16 PRECINCTS COUNTED)	
For the Tax Levy	.
Against the Tax Levy	.
Over Votes	.
Under Votes	.

## SUMMARY REPT-GROUP DETAIL

August 4, 2020  
Special Election  
Cuyahoga County, OH

Official Pre-Test 01

Run Date:08/17/20 11:49 AM

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	0							
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	0							
BALLOTS CAST - BLANK	0							

1 - Maple Heights Tax Levy  
(VOTE FOR) 1

(WITH 0 OF 16 PRECINCTS COUNTED)

For the Tax Levy	0							
Against the Tax Levy	0							
Over Votes	0							
Under Votes	0							

SUMMARY REPT -GROUP DETAIL

Run Date:08/20/20 11:35 AM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Official Post Test 01

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	0							
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	0							
BALLOTS CAST - BLANK	0							

1 - Maple Heights Tax Levy

(VOTE FOR)	1							
For the Tax Levy	0							
Against the Tax Levy	0							
Over Votes	0							
Under Votes	0							

SUMMARY REPT-GROUP DETAIL

Run Date:08/04/20 06:25 PM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Unofficial Pre Test

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	16	100.00						
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	148		50	49		0	0	0
BALLOTS CAST - BLANK	48	32.43	16	16		0	0	0
VOTER TURNOUT - TOTAL		.93						
VOTER TURNOUT - BLANK		.30						

1 - Maple Heights Tax Levy  
(VOTE FOR) 1

(WITH 16 OF 16 PRECINCTS COUNTED)

For the Tax Levy	18	34.62	6	6		0	0	0
Against the Tax Levy	34	65.38	12	11		0	0	0
Over Votes	48		16	16		0	0	0
Under Votes	48		16	16		0	0	0

SUMMARY REPT-GROUP DETAIL

Run Date:08/04/20 09:04 PM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Unofficial Post Test

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	16	100.00						
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	148		50	49	49	0	0	0
BALLOTS CAST - BLANK	48	32.43	16	16	16	0	0	0
VOTER TURNOUT - TOTAL		.93						
VOTER TURNOUT - BLANK		.30						

1 - Maple Heights Tax Levy

(VOTE FOR) 1

(WITH 16 OF 16 PRECINCTS COUNTED)

For the Tax Levy	18	34.62	6	6	6	0	0	0
Against the Tax Levy	34	65.38	12	11	11	0	0	0
Over Votes	48		16	16	16	0	0	0
Under Votes	48		16	16	16	0	0	0

## SUMMARY REPT-GROUP DETAIL

Run Date:08/17/20 11:50 AM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Official Pre-Test

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	16	100.00						
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	148		50	49	49	0	0	0
BALLOTS CAST - BLANK	48	32.43	16	16	16	0	0	0
VOTER TURNOUT - TOTAL		.93						
VOTER TURNOUT - BLANK		.30						
1 - Maple Heights Tax Levy								
(VOTE FOR) 1								
(WITH 16 OF 16 PRECINCTS COUNTED)								
For the Tax Levy	18	34.62	6	6	6	0	0	0
Against the Tax Levy	34	65.38	12	11	11	0	0	0
Over Votes	48		16	16	16	0	0	0
Under Votes	48		16	16	16	0	0	0

SUMMARY REPT-GROUP DETAIL

Run Date:08/20/20 11:37 AM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Official Post Test

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	16	100.00						
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	148		50	49			0	0
BALLOTS CAST - BLANK	48	32.43	16	16			0	0
VOTER TURNOUT - TOTAL		.93						
VOTER TURNOUT - BLANK		.30						
1 - Maple Heights Tax Levy								
(VOTE FOR) 1								
For the Tax Levy	18	34.62	6	6			0	0
Against the Tax Levy	34	65.38	12	11			0	0
Over Votes	48		16	16			0	0
Under Votes	48		16	16			0	0

SUMMARY REPT-GROUP DETAIL

Run Date:08/04/20 06:26 PM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Unofficial Pre Test 02

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	15,975	0						
REGISTERED VOTERS - TOTAL	15,975	0						
BALLOTS CAST - TOTAL	0	0						
BALLOTS CAST - BLANK	0	0						

1 - Maple Heights Tax Levy

(VOTE FOR)	1
(WITH 0 OF 16 PRECINCTS COUNTED)	
For the Tax Levy	0
Against the Tax Levy	0
Over Votes	0
Under Votes	0

SUMMARY REPT-GROUP DETAIL

Run Date:08/04/20 09:06 PM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Unofficial Post Test 02

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	0							
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	0		0	0	0	0	0	0
BALLOTS CAST - BLANK	0		0	0	0	0	0	0

1 - Maple Heights Tax Levy

(VOTE FOR)	1
(WITH 0 OF 16 PRECINCTS COUNTED)	
For the Tax Levy	0
Against the Tax Levy	0
Over Votes	0
Under Votes	0

SUMMARY REPT-GROUP DETAIL

Run Date:08/17/20 11:51 AM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Official Pre-Test 02

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	0							
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	0		0	0	0	0	0	0
BALLOTS CAST - BLANK	0		0	0	0	0	0	0

1 - Maple Heights Tax Levy

(VOTE FOR)	1
(WITH 0 OF 16 PRECINCTS COUNTED)	
For the Tax Levy	0
Against the Tax Levy	0
Over Votes	0
Under Votes	0

SUMMARY REPT-GROUP DETAIL

Run Date:08/20/20 11:37 AM

August 4, 2020  
Special Election  
Cuyahoga County, OH

Official Post Test 02

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	. . . . .							
REGISTERED VOTERS - TOTAL	. . . . .							
BALLOTS CAST - TOTAL	. . . . .		0	0	0	0	0	0
BALLOTS CAST - BLANK	. . . . .		0	0	0	0	0	0

1 - Maple Heights Tax Levy

(VOTE FOR) 1

For the Tax Levy	. . . . .		0	0	0	0	0	0
Against the Tax Levy	. . . . .		0	0	0	0	0	0
Over Votes	. . . . .		0	0	0	0	0	0
Under Votes	. . . . .		0	0	0	0	0	0

SUMMARY REPT-GROUP DETAIL

August 4, 2020  
Special Election  
Cuyahoga County, OH

Expected Results

Run Date:08/20/20 11:41 AM

Report EL45A Page 001

	TOTAL VOTES	%	ED	VBM	EIP	PROV	POST ED	POST VBM
PRECINCTS COUNTED (OF 16)	16	100.00						
REGISTERED VOTERS - TOTAL	15,975							
BALLOTS CAST - TOTAL	148		50	49			0	0
BALLOTS CAST - BLANK	48	32.43	16	16			0	0
VOTER TURNOUT - TOTAL		.93						
VOTER TURNOUT - BLANK		.30						
1 - Maple Heights Tax Levy								
(VOTE FOR) 1								
For the Tax Levy	18	34.62	6	6			0	0
Against the Tax Levy	34	65.38	12	11	11		0	0
Over Votes	48		16	16	16		0	0
Under Votes	48		16	16	16		0	0

**Removal from Elected Office**

1. Jack Petsche, Brecksville City Council, Member of Council<sup>1</sup>

**Appointment to Elected Office**

1. Daryl Kingston, Brecksville City Council, Member of Council

---

<sup>1</sup> Term ends 1/1/2022; no special election required.

8/19/2020

Mail - Cory Milne - Outlook

## Removal of Councilmember & Replacement

Tabor, Tammy <ttabor@brecksville.oh.us>

Wed 8/19/2020 12:24 PM

To: Jen.Boger@ethics.ohio.gov <Jen.Boger@ethics.ohio.gov>; Cory Milne <cmilne@cuyahogacounty.us>

📎 4 attachments (4 MB)

20200804 R 5065 Findings of Facts & Conclusions JP.PDF; 20200804 R 5065 EXHIBIT Petsche Removal Findings of Fact and Conclusions....pdf; 20200721 Council Minutes.pdf; 20200818 R 5067 Appoint D. Kingston to Council.pdf;

Good Afternoon,  
Brecksville City Council removed Councilmember Jack Petsche from office on July 21, 2020 as referred to in the motion on Page 7 of the July 21, 2020 Council Minutes. I have also attached legislation related to that removal. Daryl Kingston was appointed to fill the unexpired term, ending January 1, 2022. I have attached documentation of those proceedings.

Daryl Kingston  
6982 Crystal Creek  
Brecksville, Ohio 44141  
(440) 384-7406  
E-Mail: [dkingston123@msn.com](mailto:dkingston123@msn.com)

Please feel free to contact me if you have any questions.

Tammy Tabor  
Clerk of Council  
City of Brecksville  
9069 Brecksville Road  
Brecksville, Ohio 44141  
Phone 440-526-2609

20200819 12:24 PM

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**RESOLUTION RECORD**  
**COUNCIL OF THE CITY OF BRECKSVILLE**

5065

Resolution No. \_\_\_\_\_

**A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF  
LAW REGARDING REMOVAL OF JOHN (JACK) PETSCHER FROM CITY  
COUNCIL OF THE CITY OF BRECKSVILLE; AND DECLARING AN  
EMERGENCY**

**WHEREAS**, at its meeting on July 21, 2020, pursuant to Article IV, Section 4 of the Charter of the City of Brecksville, a public hearing was conducted regarding the charges for removal of City of Brecksville City Councilmember John (Jack) Petscher from his office as a Member of City Council of the City of Brecksville.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

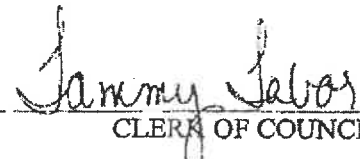
**SECTION 1.** The Findings of Fact and Conclusions of Law regarding the removal of John (Jack) Petscher from City Council of the City of Brecksville hereby are adopted, a copy of said Findings of Fact and Conclusions of Law being attached hereto and expressly made a part hereof by reference, and marked Exhibit "A".

**SECTION 3.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to adopt the Findings of Fact and Conclusions of Law, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: August 4, 2020

APPROVED: August 4, 2020

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK OF COUNCIL

## EXHIBIT "A"

### IN THE CITY OF BRECKSVILLE, OHIO CITY COUNCIL

#### *In re: Removal of John (Jack) Petsche from City Council of the City of Brecksville*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

On July 21, 2020, pursuant to Article IV, Section 4 of the Charter of the City of Brecksville, a public hearing was conducted regarding the charges for removal of City of Brecksville City Councilmember John (Jack) Petsche ("Mr. Petsche") from his office as a Member of City Council of the City of Brecksville. During the public hearing, City Council of the City of Brecksville heard sworn testimony and received evidence submitted by the City of Brecksville and Mr. Petsche. Upon consideration of all such evidence, City Council makes the following findings of fact and conclusions of law.

1. Mr. Petsche was duly elected by the electorate of the City of Brecksville in November 2017 to serve as a member of City Council of the City of Brecksville. On January 2, 2018, Mr. Petsche took an Oath of Office solemnly swearing and affirming that he "shall uphold the Constitution and laws of the State of Ohio, the Charter, Ordinances and Resolutions of the City of Brecksville, and that [he] shall faithfully, honestly and impartially discharge [his] duties as: **A MEMBER OF BRECKSVILLE CITY COUNCIL** during [his] term of office..."
2. Mr. Petsche has received training and education regarding compliance with the City Charter and the laws of the State of Ohio. He is an attorney licensed to practice law in Ohio. In his capacity as a member of City Council, Mr. Petsche received a copy of the City of Brecksville's Employee Handbook describing his obligations and responsibilities pertaining to compliance with the City Charter and Ohio law. Of note, the City of Brecksville's Employee Handbook reads in pertinent part:

#### **CONFLICT OF INTEREST**

The City requires the highest standards of ethical and legal conduct of every employee. Adherence to this standard is vitally important because the activities of any employee may affect the City's reputation and public confidence in its integrity.

It is each employee's responsibility to recognize and avoid any situation that might involve a conflict of interest. For guidance, the following are examples of typical conflict of interest situations and the City's position on each example. City employees may not dispense special favors or privileges to

anyone, whether or not for financial or personal gain; and may never accept favors or benefits under circumstances which might be construed as influencing the performance of the employee's duties for the City.

Information gained in the performance of City duties may not be used as a means of making private profit, nor may such information be divulged to unauthorized persons.

\*\*\*

### ***ETHICS***

#### **Statement:**

It is the policy of the City of Brecksville to carry out its mission in accordance with the highest ethical standards and to ensure that all city employees conduct themselves in a manner that fosters public confidence in the integrity of the operation of the Brecksville city government.

#### **General Standard of Ethical Conduct:**

Employees must, at all times, abide by the Ohio's ethics laws, including those contained in Chapters 102 and 2921 of the Ohio Revised Code. Employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints placed upon the conduct of all city employees is listed below. This summary is not, however, exhaustive. City employees shall not:

- Solicit anything of value from anyone doing business with the city;
- Accept anything of value from anyone doing business with the city;
- Use their position with the city to obtain a benefit for themselves, a family member, or anyone with whom the city employee has a business or employment relationship;
- Accept any form of compensation for personal services rendered on any matter, the review or approval of which is before the city or any of its boards or commissions;
- Derive any economic benefit from any contract with, authorized by, or approved by the city;

- Use or disclose any information the confidentiality of which is protected by law.

**For purposes of this policy:**

"Anything of value" includes anything of monetary value, including, but not limited to money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal.

**Penalties:**

Failure of any employee to abide by this city policy or the Ohio Ethics Law or related statutes may result in disciplinary action including dismissal as well as civil or criminal prosecution.

3. Throughout Mr. Petsche's tenure as a member of City Council, he was the owner of USA Roofing, Inc., a roofing contractor organized under the laws of the State of Ohio.
4. Article IV, Section 2, of the Charter of the City of Brecksville provides:

QUALIFICATIONS. Each member of Council shall have been for at least two years immediately prior to the date of his election and during his term of office shall continue to be, a resident in this municipality and qualified elector thereof. Except as otherwise provided in this Charter, no member of Council shall hold any other municipal office or municipal employment in this municipality. He shall not, directly or indirectly, solicit, contract for, receive, or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the municipality.

5. At all times relevant, Mr. Petsche was aware of and understood this provision of the Charter, Ohio's Ethics Laws, and the provisions of the City of Brecksville Employee Handbook addressing conflicts of interest and ethical conduct. Mr. Petsche was aware of the consequences for failing to comply with the Charter, Ohio's Ethics Laws, and the Employee Handbook.
6. As a member of City Council, Mr. Petsche had knowledge that the City Council of the City of Brecksville was planning to vote to authorize the use of public money to fund the construction of the City of Brecksville's Aquatic Center (the "Aquatic Center Project").
7. Mr. Petsche had knowledge that Seitz Builders, Inc. was submitting a bid proposal to serve as the General Contractor for the Aquatic Center Project.

8. On May 1, 2019, during Mr. Petsche's term as a member of City Council, Mr. Petsche on behalf of USA Roofing, Inc., submitted a bid proposal to Seitz Builders, Inc., to act as a subcontractor on the Aquatic Center Project and install the roof for the City's Aquatic Center for an estimated total of \$243,528.00.
9. On May 3, 2019, Seitz Builders, Inc. submitted a bid proposal to be the General Contractor for the Aquatic Center Project.
10. On May 6, 2019, Mr. Petsche wrote several emails to Seitz Builders, Inc., further soliciting the work as the roofing subcontractor for the Aquatics Center Project, stating that he lived in Brecksville, and stating that he had some "flexibility" in the \$243,528.00 bid proposal he had previously submitted to Seitz Builders, Inc.
11. Seitz Builders, Inc. provided the City of Brecksville with a list of proposed subcontractors for the Aquatics Center Project. The list included USA Roofing, Inc.
12. On or about May 13, 2019, City of Brecksville Purchasing Director, Rebecca Riser, discovered that Seitz Builders, Inc. submitted their bid naming USA Roofing, Inc. as the roofing subcontractor for the Aquatic Center Project.
13. On May 13, 2019, City of Brecksville Purchasing Director, Rebecca Riser, contacted Seitz Builders, Inc. and advised them that their submission could not proceed unless USA Roofing, Inc. was removed as a subcontractor.
14. As part of the resubmission, Seitz Builders, Inc. removed USA Roofing, Inc. as a subcontractor.
15. On May 27, 2019, at a special meeting of the Brecksville City Council, Ordinance 5244 was adopted by the City Council accepting the bid of Seitz Builders, Inc. for the Aquatic Center Project.
16. On June 4, 2019, at a regular meeting of the Brecksville City Council, while discussing an Ordinance (Ord. 5248) relating to design and construction of the Aquatic Center Project, Mr. Petsche admitted that he, on behalf of his company, USA Roofing, Inc., bid on the roof for the Aquatic Center Project.
17. On June 9, 2020, the Cuyahoga County Prosecutor's Office received a true Bill of Indictment from the Cuyahoga County Grand Jury which indicted Mr. Petsche for Three (3) Counts of Having An Unlawful Interest in a Public Contract, and One (1) Count of

Attempted Having An Unlawful Interest in a Public Contract. Each of the foregoing charges are felonies under Ohio Revised Code Section 2921.42.

18. One of the four Felony Charges is the charge of Attempted Having An Unlawful Interest in a Public Contract, which concerns the conduct of Mr. Petsche as it relates to the USA Roofing, Inc. bid to Seitz Builders, Inc. for the Aquatic Center Project.

19. Article IV, Section 4 of the Charter of the City of Brecksville provides:

#### REMOVAL.

The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance in or disqualification for office, or upon conviction while in office of a felony or other crime involving moral turpitude, or for violation of his oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council, provided that such expulsion or removal shall be upon the concurrence of five (5) or more members of Council after public hearing upon the charge or charges brought; and provided, further, that the accused member shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and provided further that he or his counsel shall have been given an opportunity to be heard, and examine witnesses appearing in support of such charge or charges.

The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant.

20. On June 16, 2020, Mr. Petsche was personally served with written notice of City Council's intent to conduct a public hearing on July 21, 2020 to expel or remove Mr. Petsche from City Council based upon the alleged conduct described in the charging document that was personally served upon Mr. Petsche.

21. On July 21, 2020 and continuing into the early hours of July 22, 2020, Council conducted a public hearing regarding the expulsion or removal of Mr. Petsche from City Council. The hearing proceeded in accordance with Article IV, Section 4 of the Charter and the Procedures for Hearing of Removal Charges, which were adopted by Council before the removal hearing was conducted. A transcript of the public hearing and all evidentiary

submissions and rulings are fully incorporated into these findings of fact and conclusions of law.

22. After all evidence was heard and submitted to Council in the public hearing, Council adjourned to executive session to deliberate regarding the evidence presented and arguments made by the City and Mr. Petsche during the public hearing. Council returned from executive session and a motion to remove Mr. Petsche from his position as a member of City Council passed by a vote of five yeas in favor of removal of Mr. Petsche to two nays against removal of Mr. Petsche. Thereafter, Council passed a motion instructing legal counsel to memorialize Council's vote with written findings of fact and conclusions of law. The public hearing was then adjourned.

23. Based upon the foregoing findings of fact, and the other evidence and testimony presented at the hearing, the City Council of the City of Brecksville finds and concludes:

- a. Mr. Petsche, while a duly elected Member of City Council for the City of Brecksville, directly or indirectly, solicited, attempted to contract for, receive, and secure an interest in a profit or emolument from or on account of a contract, job, work, or service with or for the municipality, namely the Aquatics Center Project. By engaging in this conduct, Mr. Petsche violated Article IV, Section 2 of the Charter of the City of Brecksville and is disqualified from holding the elected office of member of City Council of the City of Brecksville. Council has determined that it is therefore appropriate, pursuant to Article IV, Section 4 of the City Charter, to remove Mr. Petsche from City Council.
- b. Mr. Petsche violated his Oath of Office as a member of City Council of the City of Brecksville, and pursuant to Article IV, Section 4 of the Charter of the City of Brecksville, Mr. Petsche should be removed from office.
- c. Mr. Petsche's conduct has caused continuing and substantial harm to the City and City Council, including, but not limited to: an erosion of the public's confidence and trust in City Council and the City of Brecksville's government as a whole; substantial reputational harm to City Council and the City of Brecksville's government as a whole; unnecessary and wasteful uses of the time, attention, and resources of City Council and other City employees and officials; a distraction from the many good and positive contributions City Council and the City of Brecksville government are making in the community; and the continuing expenditure of public funds for professional fees and expenses associated with Mr. Petsche's conduct. Lastly, this Council does not wish to set a precedent of allowing outright and significant violations of an elected official's Oath of Office and the City Charter to

be left unaddressed, and to do anything less than remove Mr. Petsche from City Council would be tantamount to supporting Mr. Petsche's violations of his Oath of Office and the City Charter. This Council does not countenance self-dealing and unlawful behavior from Mr. Petsche or any other member of Council

- d. Mr. Petsche's conduct, as established at the public hearing, constitutes clear and substantial misconduct, and it would be harmful to the public welfare if his presence in office as a member City Council were to continue. Therefore, Mr. Petsche should be removed from office as a member of City Council

24. Pursuant to Article IV, Section 4, of the Charter of the City of Brecksville, Council is exercising its authority to remove Mr. Petsche from City Council. This decision is final, effective immediately upon the passage of a resolution adopting these findings of fact and conclusions of law as the decision of City Council

Based upon the foregoing findings of fact and conclusions of law, the following members of City Council of the City of Brecksville affirm their vote in favor of removal of Mr. Petsche from City Council of the City of Brecksville:

---

Michael Harwood,  
President of Council

---

Laura Redinger  
Vice President of Council

---

Lou Carouse, Jr.

---

Dominic Caruso

---

Kim Veras

2010019-012

**RESOLUTION RECORD**  
**COUNCIL OF THE CITY OF BRECKSVILLE**

Resolution No. 5067

**A RESOLUTION APPOINTING DARYL KINGSTON  
TO FILL THE VACANT COUNCIL OFFICE LEFT BY THE  
REMOVAL OF JACK PETSCHER FOR THE TERM ENDING  
JANUARY 1, 2022; AND DECLARING AN EMERGENCY**

**WHEREAS**, Jack Petsche was removed from his office as a City of Brecksville Council Member, effective July 22, 2020, for the term ending January 1, 2022; and

**WHEREAS**, Ohio Revised Code Section 731.43 provides that the vacancy shall be filled by election by the legislative authority for the unexpired term. If the legislative authority fails within thirty days to fill such vacancy, the Mayor shall fill it by appointment; and

**WHEREAS**, the Council interviewed persons interested in filling the vacancy and who meet the qualifications required by Ohio Revised Code Section 731.13.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

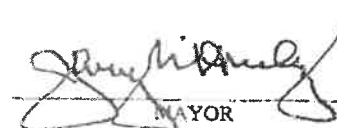
**SECTION 1.** This Council hereby appoints Daryl Kingston to fill the vacancy for the unexpired term, or until January 1, 2022, left by the removal of Jack Petsche.

**SECTION 2.** The Clerk of the City of Brecksville is hereby directed to notify the Ohio Secretary of State and the Cuyahoga County Board of Elections of the removal of Jack Petsche and the appointment of Daryl Kingston to fill the unexpired term.



**SECTION 3.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency being that said appointment is necessary to timely fill the Council vacancy, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: August 18, 2020

APPROVED: August 18, 2020

  
MAYOR

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5067 duly passed by the Council of the City of Brecksville, Ohio, on 8-18, 2020, and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-21, 2020.

  
CLERK OF COUNCIL  
  
CLERK OF COUNCIL



# CUYAHOGA COUNTY BOARD OF ELECTIONS

Jeff Hastings  
Chairman

Inajo Davis Chappell  
Member

Robert S. Frost  
Member

David J. Wondolowski  
Member

Anthony W. Perlatti  
Director

Shantiel H. Soeder  
Deputy Director

## Memorandum

**To:** Anthony W. Perlatti, Director  
Shantiel Soeder, Deputy Director

**From:** Kendra Zusy, Fiscal Manager

**Date:** August 20, 2020

**RE:** Voter Information Guide for the November 3, 2020 Presidential General Election

We plan to send a voter information guide to all registered voters for the November 3, 2020 Presidential General Election.

The voter information guide has not been finalized yet, but will include the following information:

- Specific information regarding public health protection, including sanitizing and social distancing guidelines related to COVID-19 protocols;
- How to request a vote by mail application;
- Early voting dates and hours at the Board of Elections;
- The voter's Election Day poll location and voting hours;
- Identification requirements for voting on Election Day;

Early In-Person voting begins on Tuesday, October 6, 2020. The voter information guide will be mailed approximately one week before early voting begins.

The estimated cost for printing and mailing 860,000 voter information guides is provided below. Necessary funds are available in the 2020 BOE General Election Budget:

Printing	\$ 27,442.60
Mailing	\$ 16,177.75
Postage	\$ 67,483.43
<b>Total Cost</b>	<b>\$111,103.78</b>

An unrestricted, informal bid was sent to all Cuyahoga County registered vendors through BuySpeed Procurement system. The bid closing is Monday, August 24, 2020.

# Your official election information November 3, 2020 General Election

## Important Election Information

### Presidential General Election

Vote from Home (Vote-by-Mail) is the convenient way to cast your ballot from home and eliminate health concerns.

During Early In-Person voting and Election Day voting the Board of Elections will implement health and safety measures to protect voters and election workers including:

- Wearing masks and face shields
- Routinely cleaning all frequently touched surfaces
- Practicing social distancing

Voting at the polls on Election Day will look different than in the past:

- Wearing a mask will be required.
- Expect lines to appear longer than normal. This doesn't mean there are issues. This will be due to social distancing.

### Voting before Election Day

#### All voters can Vote from Home!



- 1 Submit a ballot application to Vote from Home. You can print or request an application online at [www.443vote.us](http://www.443vote.us) or by calling 216-443-VOTE (8683).
- 2 We will mail your ballot to you with a return envelope.
- 3 Vote your ballot and return it before Election Day.
- 4 Use the Track My Ballot tool on our website to track your ballot application and ballot throughout the process!

Voters will receive ballot applications from the Ohio Secretary of State. You do not need to submit more than one ballot application.

### Voting at the Board of Elections (Bring ID)

The Board is located at 2925 Euclid Avenue in Cleveland. Voting dates and hours are below:



Weekdays	Oct 6 - Oct 16	8 am to 5 pm
Weekdays	Oct 19 - Oct 23	8 am to 6 pm
Saturday	Oct 24	8 am to 4 pm
Sunday	Oct 25	1 pm to 5 pm
Weekdays	Oct 26 - Oct 30	8 am to 7 pm
Saturday	Oct 31	8 am to 4 pm
Sunday	Nov 1	1 pm to 5 pm
Monday	Nov 2	8 am to 2 pm



2925 Euclid Avenue  
Cleveland, OH 44115

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Draft

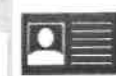
## Voting on Election Day

Your voting location is: (su lugar de votación)

Voting hours: Your voting location will be open on Election Day from 6:30 am to 7:30 pm

Check in at any of the pollbooks at your location! To receive your ballot, you must first show your ID to the election officials and then sign the pollbook.

### What ID should I bring?



- ✓ Your Ohio driver's license or state ID, your military ID, or a current (within the past 12 months) utility bill, bank statement, paycheck, government check, or other government document with your name and current address.
- ✗ Your passport or any notice from a Board of Elections, including this postcard, is NOT an acceptable form of ID for voting purposes.

For more information check out our website [www.443VOTE.us](http://www.443VOTE.us).

BOE 1050\_08.24.20